

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ETHICON ENDO-SURGERY, INC., *et al.*,

Case No. 1:11-cv-871

Plaintiffs,

Judge Timothy S. Black

vs.

COVIDIEN, INC., *et al.*,

Defendants.

---

COVIDIEN SALES LLC, *et al.*,

Case No. 1:16-cv-253

Plaintiffs,

Judge Timothy S. Black

vs.

ETHICON ENDO-SURGERY, INC., *et al.*,

Defendants.

**ORDER OF CONSOLIDATION**

The Court may order consolidation “[i]f actions before the court involve a common question of law or fact.” Fed. R. Civ. P. 42(a). “The underlying objective [of consolidation] is to administer the court’s business with expedition and economy while providing justice to the parties.” *Advey v. Celotex, Corp.*, 962 F.2d 1177, 1181 (6th Cir. 1992) (internal quotation marks and citation omitted). In determining whether to consolidate, a court must consider the following factors: “whether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual issues and legal issues, the burden on parties, witnesses, and available

judicial resources posted by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.” *Contrell v. GAF Corp.* 999 F.2d 1007, 1011 (6th Cir. 1993).

Here, the parties agree that these cases should be consolidated. (*See* February 10, 2016 Minute entry and Notation Order). The Court has considered the relevant factors, and finds that consolidation is appropriate. Accordingly, for the foregoing reasons:

1. These two civil actions are **CONSOLIDATED** for all purposes under the LOWER DOCKET NUMBER, 1:11-cv-871; and
2. **ALL FUTURE FILINGS** shall be made in Consolidated Case No. 1-11-cv-871.

**IT IS SO ORDERED.**

Date: 2/11/16

/s/Timothy S. Black  
Timothy S. Black  
United States District Judge